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EXAMINER

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3629

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/996,907

Applicant(s)

ANDINO ET AL.

Examiner

Jonathan Ouellette

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2005 and 30 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-62, 64-75, 81 and 82 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-62, 64-75, 81 and 82 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20040616, 20030624</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 63, 76, 77-80, 83-90 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 6/8/2005.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. **Claims 27-48, 54-62, 64-70, 72, 73, 75, 81, and 82 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

4. As an initial matter, the United States Constitution under Art. I, §8, cl. 8 gave Congress the power to "[p]romote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries". In carrying out this power, Congress authorized under 35 U.S.C. §101 a grant of a patent to "[w]hoever invents or discovers any new and useful process, machine, manufacture, or composition or matter, or any new and useful improvement thereof." Therefore, a

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fundamental premise is that a patent is a statutorily created vehicle for Congress to confer an exclusive right to the inventors for "inventions" that promote the progress of "science and the useful arts". The phrase "technological arts" has been created and used by the courts to offer another view of the term "useful arts". See *In re Musgrave*, 167 USPQ (BNA) 280 (CCPA 1970). Hence, the first test of whether an invention is eligible for a patent is to determine if the invention is within the "technological arts".

5. Further, despite the express language of §101, several judicially created exceptions have been established to exclude certain subject matter as being patentable subject matter covered by §101. These exceptions include "laws of nature", "natural phenomena", and "abstract ideas". See *Diamond v. Diehr*, 450, U.S. 175, 185, 209 USPQ (BNA) 1, 7 (1981). However, courts have found that even if an invention incorporates abstract ideas, such as mathematical algorithms, the invention may nevertheless be statutory subject matter if the invention as a whole produces a "useful, concrete and tangible result." See *State Street Bank & Trust Co. v. Signature Financial Group, Inc.* 149 F.3d 1368, 1973, 47 USPQ2d (BNA) 1596 (Fed. Cir. 1998).
6. This "two prong" test was evident when the Court of Customs and Patent Appeals (CCPA) decided an appeal from the Board of Patent Appeals and Interferences (BPAI). See *In re Toma*, 197 USPQ (BNA) 852 (CCPA 1978). In *Toma*, the court held that the recited mathematical algorithm did not render the claim as a whole non-statutory using the Freeman-Walter-Abele test as applied to *Gottschalk v. Benson*, 409 U.S. 63, 175 USPQ (BNA) 673 (1972). Additionally, the court decided separately on the issue of the "technological arts". The court developed a "technological arts" analysis:

The "technological" or "useful" arts inquiry must focus on whether the claimed subject matter...is statutory, not on whether the product of the claimed subject matter...is statutory, not on whether the prior art which the claimed subject matter purports to replace...is statutory, and not on whether the claimed subject matter is presently perceived to be an improvement over the prior art, e.g., whether it "enhances" the operation of a machine. *In re Toma* at 857.

7. In *Toma*, the claimed invention was a computer program for translating a source human language (e.g., Russian) into a target human language (e.g., English). The court found that the claimed computer implemented process was within the "technological art" because the claimed invention was an operation being performed by a computer within a computer.
8. The decision in *State Street Bank & Trust Co. v. Signature Financial Group, Inc.* never addressed this prong of the test. In *State Street Bank & Trust Co.*, the court found that the "mathematical exception" using the Freeman-Walter-Abele test has little, if any, application to determining the presence of statutory subject matter but rather, statutory subject matter should be based on whether the operation produces a "useful, concrete and tangible result". See *State Street Bank & Trust Co.* at 1374. Furthermore, the court found that there was no "business method exception" since the court decisions that purported to create such exceptions were based on novelty or lack of enablement issues and not on statutory grounds. Therefore, the court held that "[w]hether the patent's claims are too broad to be patentable is not to be judged under §101, but rather under §§102, 103 and 112." See *State Street Bank & Trust Co.* at 1377. Both of these analysis goes towards whether the claimed invention is non-statutory because of the presence of an abstract idea. Indeed, *State Street* abolished the Freeman-Walter-Abele test used in *Toma*. However, *State Street* never addressed the second part of the analysis, i.e., the "technological arts" test established in *Toma* because the

invention in *State Street* (i.e., a computerized system for determining the year-end income, expense, and capital gain or loss for the portfolio) was already determined to be within the technological arts under the *Toma* test. This dichotomy has been recently acknowledged by the Board of Patent Appeals and Interferences (BPAI) in affirming a §101 rejection finding the claimed invention to be non-statutory. See *Ex parte Bowman*, 61 USPQ2d (BNA) 1669 (BdPatApp&Int 2001).

9. Claims 27-48, 54-62, 64-70, 72, 73, 75, 81, and 82 appear to be describing a candidate selection/evaluation method, whereas a group of candidate information is gathered and evaluated to determine a winner. Thus, this process does not include a distinguishable apparatus, computer implementation, or any other incorporated technology, and would appear to be an attempt to patent an abstract idea not a “tangible” process and, therefore, non-statutory subject matter.

Claim Rejections - 35 USC § 112

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

11. **Claims 25, 26 and 68 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

12. Claims 25-26 recite a *method* claim which is dependent on the *system* Claim 24. Thus, the applicant fails to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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13. Claim 68 recites the limitation “said evaluation index” in Claim 65. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

- 15. Claims 19-22, 27-34, 46-51, 54, 60-62, 65-71, 81, and 82 are rejected under 35**

U.S.C. 102(e) as being anticipated by Corrie et al. (US 2002/0120538 A1).

16. As per **independent Claim 19**, Corrie discloses a system for evaluating and selecting competition winners from a pool of candidates in a competition comprising: a database for storing candidate records (Para 0145, applications received and saved in grants management system) and of scanned documents (Para 0101, Attachments), said images being additionally represented by corresponding ones of said candidate records containing data derived from said images; a qualification subsystem coupled to said database for determining said candidate records to be qualified or disqualified (Para 0146-0148, review for application completeness and basic criteria and compliance); a display; an evaluation subsystem coupled to said qualification subsystem, said database, and said display for evaluating and scoring each of said candidate records having been qualified over one or more evaluation

variables, said evaluation subsystem facilitating presentation on said display of information from said candidate records having been qualified and corresponding said images during evaluation of said candidate records having been qualified (Para 0152, application reviewed); and a selection subsystem coupled to said evaluation subsystem and database for selecting one or more competition finalists responsive to said scoring of said candidate records having been qualified (Para 0152-0154, system grants manager aggregates scores, ranks candidates, and selects winners).

17. As per Claim 20, Corrie discloses wherein said one or more evaluation variables are displayed in a first display area of said display and at least a portion of one of said images and said candidate records is displayed in a second display area of said display (Figs. 1-6H).
18. As per independent Claim 21, Corrie discloses a system for evaluating and selecting competition winners from a pool of candidates in a competition comprising: a database for storing candidate records (Para 0145, applications received and saved in grants management system); a qualification subsystem coupled to said database for determining said candidate records to be qualified or disqualified (Para 0146); a grouping subsystem coupled to said database for grouping said candidate records into evaluation groups responsive to information contained in said candidate records (grouped by grant initiative); an evaluation subsystem coupled to said qualification subsystem and said database for evaluating and scoring each of said candidate records having been qualified over one or more evaluation variables (Para 0152, application reviewed); and a selection subsystem coupled to said evaluation subsystem and database for selecting one or more competition finalists for each of said evaluation groups responsive to said evaluation and scoring of said candidate records

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having been qualified (Para 0152-0154, system grants manager aggregates scores, ranks candidates, and selects winners).

19. As per Claim 22, Corrie discloses an eligibility subsystem coupled to said database for determining said competition records to be eligible or ineligible responsive to a minimum eligibility standard and information contained in said competition records, each of said evaluation groups having a corresponding said minimum eligibility standard (Para 0146-0148, review for application completeness and basic criteria and compliance).
20. As per **independent Claim 27**, Corrie discloses a method for administering a competition system comprising: receiving one or more candidate packages, each said candidate package containing information about a candidate in a competition (Para 0145, applications received and saved in grants management system); for each said candidate package: determining whether said candidate package meets a minimum application standard, selecting said candidate package when said candidate package is determined to meet said minimum application standard (Para 0146-0148, review for application completeness and basic criteria and compliance), selecting an evaluator (Para 0148-0152), enabling said evaluator to evaluate said selected candidate package, and receiving an evaluation of said selected candidate package from said evaluator (Para 0152, application reviewed by reviewer); ranking all said evaluated candidate packages responsive to corresponding received said evaluations, and selecting a predetermined number of competition finalists responsive to said calculated overall scores (Para 0152-0154, system grants manager aggregates scores, ranks candidates, and selects winners).

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21. As per Claim 28, Corrie discloses wherein said step of selecting an evaluator comprises:
choosing an evaluator; determining whether said evaluator is eligible to evaluate said selected candidate package; choosing another evaluator and returning to said step of determining whether said evaluator is eligible to evaluate said selected candidate package responsive to said determination of whether said evaluator is eligible to evaluate said selected candidate package indicating said evaluator is not eligible to evaluate said selected candidate package; and selecting said evaluator responsive to said determination indicating said evaluator is eligible to evaluate said selected candidate package (Para 0148-0152).
22. As per Claim 29, Corrie discloses wherein the step of determining whether said evaluator is eligible to evaluate said candidate package comprises: sending an evaluator eligibility question to said evaluator; receiving a response to said evaluator eligibility question from said evaluator; and determining whether said evaluator is eligible to evaluate said queued candidate package responsive to said received response regarding said evaluator eligibility question (Para 0148-0152).
23. As per Claim 30, Corrie discloses wherein said step of receiving a plurality of candidate packages, each said candidate package containing information about a candidate in a competition comprises: receiving a plurality of application documents each relating to a candidate; and grouping said application documents such that all said application documents relating to the same candidate are grouped into a candidate package (Para 0145-0154, Applicants for same initiative).
24. As per Claim 31, Corrie discloses determining whether said selected candidate package is eligible to be evaluated; and denying said evaluator from evaluating said selected candidate

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package responsive to said determination indicating said selected candidate package is not eligible to be evaluated (Para 0146-0148, review for application completeness and basic criteria and compliance; Figs. 6B-6E).

25. As per Claim 32, Corrie discloses wherein the step of determining whether said candidate package is eligible to be evaluated comprises: sending a candidate package eligibility question to said evaluator; receiving a response from said evaluator regarding said candidate package eligibility question; and determining whether said candidate package is eligible for evaluation responsive to said received response regarding said candidate package eligibility question (Para 0148-0152).
26. As per Claim 33, Corrie discloses wherein said one or more minimum application standards comprises: one or more minimum response standards; one or more eligibility requirements; and one or more qualification requirements (Para 0148-0152).
27. As per Claim 34, Corrie discloses determining whether any of said competition finalists are confirmed; and selecting a new competition finalist for each competition finalist determined not to be confirmed and returning to said step of determining whether any of said competition finalists are confirmed (Para 0153-155).
28. As per **independent Claim 46**, Corrie discloses a method for administering a competition system comprising: receiving an application containing information about a candidate in a competition (Para 0145, applications received and saved in grants management system); determining whether said application meets a minimum application standard; retaining said application responsive to said determination of whether said application meets said minimum application standard indicating said application meets said minimum application standard

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(Para 0146-0148, review for application completeness and basic criteria and compliance); reading from said application a predetermined piece of information; determining whether said application meets a discretionary application standard, said discretionary application standard being a function of said piece of information; retaining said application responsive to said determination of whether said application meets said discretionary application standard indicating said application meets said discretionary application standard (Para 0146-0148, review for application completeness and basic criteria and compliance); selecting an evaluator; determining whether said evaluator is eligible to evaluate said application; enabling said evaluator to evaluate said application responsive to said determination indicating said evaluator is eligible to evaluate said application (Para 0148-0152); receiving an evaluation of said application from said evaluator (Para 0152, application reviewed); calculating an overall score for said application responsive to said evaluation; determining a ranking of said overall score of said application relative to the overall scores of a pool of evaluated applications; and selecting said application as a competition winner responsive to said determination of said ranking of said overall score of said application relative to the overall scores of said pool of evaluated applications indicating said application meets a competition winner ranking standard (Para 0152-0154, system grants manager aggregates scores, ranks candidates, and selects winners).

29. As per Claim 47, Corrie discloses denying said evaluator from evaluating said candidate package responsive to said determination indicating said evaluator is not eligible to evaluate said selected candidate package (Para 0148-0152).

30. As per **independent Claim 48**, Corrie discloses a method for administering academic admissions (Para 0165) comprising: receiving applications from one or more applicants (Para 0145, applications received and saved in system); determining which of said applications meet minimum application standards; retaining those of said applications which are determined to meet said minimum application standards (Para 0146-0148, review for application completeness and basic criteria and compliance); reading from said applications a piece of information; determining which of said applications meet discretionary application standard, said discretionary application standard being a function of said piece of information; retaining those of said applications which are determined to meet said minimum application standard (Para 0146-0148, review for application completeness and basic criteria and compliance); receiving a request from an evaluator to evaluate a retained application; determining whether said evaluator is eligible to evaluate said retained application; denying said evaluator from evaluating said retained application responsive to said determination indicating said evaluator is not eligible to evaluate said retained application; determining whether said retained application is eligible for evaluation; denying said evaluator from evaluating said retained application responsive to said determination indicating said retained application is not eligible to be evaluated; enabling said evaluator to evaluate said retained application (Para 0148-0152); receiving a response from said evaluator; determining which of said retained applications have been successfully evaluated (Para 0152, application reviewed); producing an overall score for each said retained application which was successfully evaluated; and selecting a predetermined

number of said retained application finalists responsive to said overall scores (Para 0152-0154, system grants manager aggregates scores, ranks candidates, and selects winners).

31. As per **independent Claim 49**, Corrie discloses a competition system user interface comprising: a data region for displaying information for evaluation by a user (Para 0152); and a evaluation region coupled to said data region adapted to prompt a user with at least one evaluation inquiries, each of said evaluation inquiries causing said displayed information to be adjusted so that a subset of said information corresponding to an evaluation inquiry is displayed responsive to said evaluation inquiry being selected, said evaluation region further adapted to receive an evaluation response (Para 0152-0153, Figs. 3F and 6D).
32. As per Claim 50, Corrie discloses a control region coupled to said data region for providing a user with at least one information source controls, each of said information source controls causing said data region to display information extracted from a corresponding source responsive to said information control being selected, said extracted information being adjusted so that a subset of said extracted information corresponding to the last selected of said evaluation inquiries (Figs. 3F and 6D).
33. As per **independent Claim 51**, Corrie discloses a method for presenting a user interface to a user in a competition system comprising: providing two or more source access means (Fig.1); receiving a response from one of said source access means; providing information extracted from a source corresponding to said one of said source access means responsive to said received response; providing two or more evaluation prompts; receiving a response indicating selection of one of said evaluation prompts; providing a specific information from said source, said specific information corresponding to said selected evaluation prompt; and

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receiving an evaluation response to said selected evaluation prompt (Para 0152-0153, Figs. 3F and 6D).

34. As per **independent Claim 54**, Corrie discloses a method of reducing the number of candidates in a candidate pool of a competition system, each candidate being represented in said competition system by a corresponding candidate information package, said method comprising: determining whether each candidate information package in said candidate pool meets an information completeness standard and a document completeness standard; removing all candidate information packages from said candidate pool which do not meet said information completeness standard and said document completeness standard (Para 0146-0148, review for application completeness and basic criteria and compliance); determining whether each said candidate information package in said candidate pool indicates the corresponding candidate meets one or more minimum qualification standards; removing all candidate information packages from said candidate pool which do not indicate the corresponding candidate meets said minimum qualification standards (Para 0146-0148, review for application completeness and basic criteria and compliance); grouping said candidate information packages in said candidate pool into one or more groups based on information contained in said candidate information packages (grouped by grant initiative); determining whether said candidate information packages in said candidate pool indicate the corresponding candidate meets one or more discretionary standards; and removing all candidate information packages from said candidate pool which do not indicate the corresponding candidate meets said one or more discretionary standards (Para 0146-0148, review for application completeness and basic criteria and compliance; Fig.6B).

35. As per **independent Claim 60**, Corrie discloses a method of reducing the number of individuals within a pool of candidates, each said candidate being represented by an application (Para 0145, applications received and saved in grants management system), said method comprising: for each of said applications: reading information from said application; retrieving, as a function of said information, selection criteria to apply to said application; analyzing said application with said selection criteria; and determining whether said application meets of said selection criteria; and discarding said application when said determination indicates said application does not meet said selection criteria (Para 0146-0148, review for application completeness and basic criteria and compliance).
36. As per **independent Claim 61**, Corrie discloses a method of reducing the number of individuals within a pool of candidates, each said candidate being represented by an application (Para 0145, applications received and saved in grants management system), said method comprising: determining from said applications a parameter; determining selection criteria as a function of said parameter; determining for each said applications whether said application meets said selection criteria; and disqualifying all said applications determined not to meet said selection criteria (Para 0146-0148, review for application completeness and basic criteria and compliance).
37. As per **independent Claim 62**, Corrie discloses a method of matching a candidate in a competition system to an evaluator (Fig. 6C, Para 0148-0152), said candidate being represented by an application, said competition system having two or more evaluators, said method comprising: extracting a first datum from an application; determining a classification for said application responsive to said datum; selecting, from a plurality of evaluators

preclassified as able to evaluate applications having said determined classification, one evaluator; providing said one evaluator with a second datum from said application; receiving a response from said one evaluator indicating whether said one evaluator is able to evaluate said application; enabling said evaluator to evaluate said application responsive to said received response (Fig. 6C, Para 0148-0152).

38. As per **independent Claim 65**, Corrie discloses a method for evaluation of candidates in a competition system, each of said candidates being represented by a candidate package (application), said method comprising: receiving an evaluator eligibility question (Para 0148, system determines best reviewer based on application, workload, and skills – question: “is reviewer best qualified”); answering said evaluator eligibility question; receiving an evaluation query and a first information from a candidate package relating to said evaluation query, said first information including one of text and an image; receiving a data control; selecting said data control; receiving a second information from said candidate package relating to said evaluation query, said second information including one of said text and said image not provided in said first information; and providing a response to said evaluation query (Para 0148-0152, System reviewer selection process).

39. As per Claim 66, Corrie discloses receiving a candidate eligibility question; and responding to said candidate eligibility question (Para 0148).

40. As per **independent Claim 67**, Corrie discloses a method of monitoring the evaluation of individuals in a pool of candidates in a competition system comprising: receiving data from an evaluation; determining from said data an evaluation index; comparing said evaluation index to corresponding reference indices; and determining whether said evaluation is

aberrant responsive to said comparison (Para 0152-0155, Application review/evaluation process).

41. As per Claim 68, Corrie discloses wherein said evaluation index comprises one or more evaluation responses and said corresponding reference indices comprise one or more of: the average corresponding evaluation responses of said evaluator for the corresponding evaluation responses over two or more prior completed evaluations and the average corresponding evaluation responses for one or more other evaluators in said competition system over two or more prior completed evaluations (Para 0152-0155).
42. As per Claim 69, Corrie discloses wherein said evaluation index comprises the number of reference sources checked per evaluation response and said corresponding reference indices comprise a minimum number of sources to be checked per evaluation response (Para 0152-0155).
43. As per Claim 70, Corrie discloses wherein said evaluation index comprises the average time between responses in said evaluation and said corresponding reference indices comprise one or more of: the average corresponding average time between responses of said evaluator over two or more prior completed evaluations and the average corresponding average time between responses for one or more other evaluators in said competition system over two or more prior completed evaluations (Para 0152-0155).
44. As per **independent Claim 71**, Corrie discloses a system for monitoring the evaluation of individuals in a pool of candidates in a competition system comprising: a display; an interface device coupled allowing a user to interact with said display (Fig. 1), said display and said interface unit (Fig. 1); receive means for electronically receiving evaluation responses,

said evaluation responses being produced by an evaluator in evaluating a candidate package; processing means to produce one or more evaluation indices from said received evaluation responses; and communication means for pausing said evaluation and interacting with said evaluator (Para 0152-0154, Figs. 1-6E).

45. As per **independent Claim 81**, Corrie discloses a method for documenting the selection of individuals from a pool of candidates in a competition system to combat allegations of bias, said candidates being represented by one or more application documents (Para 0145, applications received and saved in grants management system), said method comprising: determining, prior to reception of any application documents, two or more categories to group individuals to promote fairness of evaluation (grouped by grant initiative), a minimum application completeness standard and a minimum application eligibility standard (Para 0146-0148, review for application completeness and basic criteria and compliance), a minimum set of evaluation variables, a selection process, and a priority ordering and weighting of said set of evaluation variables; generating one or more dated documents documenting said determinations, each said dated document being executed by personnel authorized by said competition system; receiving a plurality of application documents; scanning in any application documents submitted in hardcopy form; storing all scanned application documents in an image file; applying said minimum application completeness standard to said received application documents; applying said minimum eligibility standard to said application documents which passed said application of said minimum application completeness standard; evaluating said application documents which passed said application

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of said minimum eligibility standard; and selecting one or more individuals from said evaluated application documents using said selection process (Para 0145-0155, Para 1-6E).

46. As per Claim 82, Corrie discloses a method of simultaneously promoting two or more localized sets of selection criteria during selection of individuals from a pool of candidates in a competition system, each of said candidates being represented by an application, said method comprising: grouping said individuals into two or more groups responsive to one or more pieces of data in said applications; evaluating said applications with respect to a set of criteria; scoring said applications with respect to two or more global variables; applying a weight to one of said global variables, at least one of said weight and which of said two or more global variables to have said weight applied to being predetermined independently for each group; calculating an overall scores for said individuals using said scored global variables, said calculations using the weighted value of any variables when available; and selecting individuals responsive to said calculated overall scores ((Para 0145-0155, Para 1-6E, determining winners for two different grant initiatives).

Claim Rejections - 35 USC § 103

47. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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48. Claims 1, 2, 4-16, 23-26, 35, 36, 38, 40, 41, 43, 45, 56, 58, 59, 64, and 72-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corrie et al. (US 2002/0120538 A1).
49. As per **independent Claim 1**, Corrie discloses a system for evaluating and selecting competition winners from a pool of candidates in a competition comprising: a database for storing candidate documents (Para 0145, applications received and saved in grants management system); a grouping subsystem coupled to said database for grouping said candidate documents into candidate data sets (grouped by grant initiative); a qualification subsystem coupled to said database for determining said candidate data sets to be qualified or disqualified; a pool reduction subsystem coupled to said database for determining whether said candidate data sets having been qualified meet a discretionary eligibility standard (Para 0146-0148, review for application completeness and basic criteria and compliance); an evaluation subsystem coupled to said qualification subsystem and said database for evaluating each of said candidate data sets having met said discretionary eligibility standard and scoring one or more evaluation variables in response to said evaluation (Para 0152, application reviewed); and a selection subsystem coupled to said evaluation subsystem and database for selecting one or more competition finalists responsive to said evaluation and scoring of said candidate data sets having met said discretionary eligibility standard (Para 0152-0154, system grants manager aggregates scores, ranks candidates, and selects winners).
50. Corrie fails to expressly disclose wherein said discretionary eligibility standard varies as a function of the number of said candidate data sets having been qualified.

51. However, Corrie does disclose the initial review of applications for basic criteria and compliance (Para 0148), and wherein the basic criteria are provided by each granting agency (Para 0148).
52. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein said discretionary eligibility standard varies as a function of the number of said candidate data sets having been qualified as part of the basic criteria provided by Corrie's granting agency, in order to increase the efficiency of the candidate selection system by allowing the granting agency and grants management system to control the size of the selection pool.
53. As per Claim 2, Corrie discloses a document reception subsystem comprising: a network interface module coupled to said database for receiving electronic submissions, said database storing said electronic submissions as candidate documents, a scanner interface module for interfacing said system to a scanner and receiving scans of submitted hardcopy documents, and a data extraction module coupled to said scanner interface module and said database for extracting data from said scans, said database storing said extracted data as candidate documents (Para 0145).
54. As per Claim 4, Corrie discloses wherein said qualification subsystem comprises: a first filter module coupled to said database for determining whether said candidate data sets meet a data completeness standard (Para 0146, Fig. 6B).
55. As per Claim 5, Corrie discloses wherein said data completeness standard requires said candidate data sets to include a minimum set of document types (Para 0146, Fig. 6B).

56. As per Claim 6, Corrie discloses wherein said evaluation subsystem comprises: an evaluation workstation coupled to said database for facilitating evaluation of said candidate data sets having met said discretionary eligibility standard, said evaluation workstation comprising: a display for displaying information extracted from said candidate data sets, and an input device for entering information; a matching module coupled to said database for selecting a possible evaluator to evaluate one of said candidate data sets having met said discretionary eligibility standard; an evaluator eligibility module coupled to said database for determining whether said evaluator is permitted to evaluate said one of said candidate data sets having met said discretionary eligibility standard; and an evaluation module coupled to said evaluator eligibility module, said database, and said evaluation workstation for providing on said display information extracted from said one of said candidate data sets having met said discretionary eligibility standard, providing one or more evaluation variables for scoring, and receiving a score for each of said one or more evaluation variables from said input device (Para 0145-0154).

57. As per Claim 7, Corrie discloses wherein said selection system comprises: a phase 1 selection module coupled to said evaluation subsystem for selecting a first set of candidate finalists responsive to total scores generated responsive to corresponding said received scores, said first set of candidate finalists not exceeding a predetermined total number; said phase 1 selection module further outputting when said first set of candidate data sets is less than said predetermined number a sub-pool of said candidate data sets all having received equal corresponding said total scores; and a phase 2 selection module coupled to said phase 1 selection module and said database for selecting a second set of candidate finalists, said

second set of candidate finalists being a subset of said sub-pool, said first set of candidate finalists plus said second set of said candidate finalists equal in number to said predetermined total number (Para 0145-0154).

58. As per Claim 8, Corrie discloses wherein said phase 1 selection module comprising: a scoring module coupled to said evaluation subsystem and said database for generating said total scores; a grouping module coupled to said scoring module and said database for grouping said candidate data sets into score tiers responsive to corresponding said total scores, each of said score tiers comprising one or more of said candidate data sets having equal said total scores; a selection module coupled to said ranking module, said ranking workstation, and said database for selecting a first set of candidate finalists responsive to said ranking, said first set of candidate finalists equal to or less than said predetermined total number; and an output module for outputting said sub-pool, said sub-pool of candidate profiles comprising one of said score tiers, said one of said score tiers having the highest total score of those of said score tiers containing candidate profiles not selected for said first set of candidate profiles (Para 0145-0154).

59. As per Claim 9, Corrie discloses wherein said phase 2 selection module comprising: a receiving submodule coupled to said for receiving said sub-pool of said candidate data sets from said phase 1 selection module; an evaluation response selection submodule for determining one of said received scores to be weighted and a weight; a weighting submodule coupled to said selection module and said evaluation response selection submodule for weighting said one of said received scores of said candidate data sets in said sub-pool; a scoring submodule coupled to said weighting submodule for generating weighted scores for

said candidate data sets in said sub-pool; a grouping submodule coupled to said scoring submodule for grouping said candidate data sets in said sub-pool into sub-tiers responsive to corresponding weighted scores; a selection submodule for selecting additional candidate finalists responsive to said weighted evaluation tier ranking; and a stop submodule for determining when a correct number of candidate finalists have been selected and outputting said additional candidate finalists (Para 0145-0154).

60. As per Claim 10, Corrie discloses wherein said selection system comprises: a scoring module for summing evaluation scores for each of said candidate data sets having been evaluated; a score grouping module for grouping said candidate data sets having been evaluated into score tiers each comprising substantially similar corresponding ones of evaluation score sums; a phase 1 selection module for selecting all said candidate data sets of the score tiers beginning with the score tier having the highest median evaluation score sum and proceeding to score tiers of successively lower median evaluation score sums such that the number of candidate documents selected is maximized without exceeding a predetermined number, said phase 1 selection module further outputting an active group, said active group comprising the candidate data sets of the score tier having the highest median evaluation score sum containing no candidates having been selected; and a phase 2 selection module for selecting a subset of said active group (Para 0145-0154).

61. As per Claim 11, Corrie discloses wherein said phase 2 selection system comprises: a weighting module for weighting said evaluation scores for each of said candidate data sets in said active group; a summing module for summing said weighted evaluation scores for each of said candidate data sets in said active group; a score grouping module for grouping said

candidate data sets in said active group into phase 2 score tiers by substantially similar corresponding said evaluation score sums; a tie-breaking selection module for selecting all candidate documents within the phase 2 score tiers beginning with the phase 2 score tier having the highest median evaluation score sum and proceeding to phase 2 score tiers of successively lower median evaluation score sums such that the total number of selected said candidate data sets is maximized without exceeding said predetermined number; and a designating module for designating the candidate data sets of the phase 2 score tier having the highest median evaluation score sum containing no candidates having been selected as the active group (Para 0145-0154).

62. As per Claim 12, Corrie discloses a monitoring subsystem coupled to said evaluation subsystem for monitoring evaluations of qualified said candidate data sets, said monitoring subsystem allowing interaction with an ongoing evaluation, said monitoring subsystem allowing nullification of an evaluation when said evaluation is determined to be inconsistent with the requirements of said competition (Para 0145-0154).
63. As per Claim 13, Corrie discloses a confirmation subsystem coupled to said selection subsystem and said database for determining the confirmation status of said one or more competition finalists and determining one or more competition winners responsive to said confirmation status determination (Para 0145-0154).
64. As per Claim 14, Corrie discloses wherein said confirmation subsystem comprises: a workstation comprising: a display for displaying candidate packages and corresponding confirmation documents, and an input device for entering information; a confirmation document request module coupled to said database for requesting confirmation documents; a

confirmation module coupled to said workstation and said database for providing said candidate packages and said corresponding confirmation documents to said workstation for display and for receiving confirmation responses; and a conversion module coupled to said workstation and said database for marking ones of said candidate data sets as non-selected responsive to a corresponding confirmation response indicating nonconfirmation and for marking ones of candidate data sets as competition winners responsive to a corresponding confirmation response indicating confirmation (Figs. 1-6E)

65. As per Claim 15, Corrie discloses a competition winner tracking subsystem coupled to said database for tracking said competition winners comprising: a competition winner tracking module coupled to said database for determining when update documents are required for a competition winner, an update document request module coupled to said competition-winner module for coordinating update document request correspondence, and an update module coupled to said database for updating confirmation winner packages with said required update documents (Figs. 1-6H).

66. As per Claim 16, Corrie discloses wherein said competition winner tracking subsystem further comprises: a workstation comprising: a display for displaying information from one of said candidate data sets and corresponding confirmation documents, and an input device for entering information; and a reconfirmation module coupled to workstation and said database for displaying the candidate data sets of said competition winners with corresponding said required documents and receiving reconfirmation responses, the status of the candidate data sets of said competition winners being updated in response to said reconfirmation responses (Figs. 1-6H).

67. As per Claim 23, Corrie discloses wherein said minimum eligibility standard varies with the number of candidate profiles (see rejection of Claim 1).
68. As per **independent Claim 24**, Corrie discloses a system for selecting one or more candidates from a plurality of candidate profiles comprising: a storage adapted to store a plurality of candidate profiles (Para 0145, applications received and saved in grants management system); an eligibility unit coupled to said storage adapted to determine said candidate profiles to be eligible or ineligible (Para 0146-0148, review for application completeness and basic criteria and compliance); an evaluation unit coupled to said storage adapted to facilitate evaluation of said candidate profiles by the scoring of one or more variables by one or more evaluators (Para 0152, application reviewed); a first selection unit coupled to said storage adapted to receive said variables having been scored, said first selection unit further adapted to select a subset of said candidate profiles responsive to said variables having been scored; and a second selection unit coupled to said first selection unit and said storage adapted to receive a sub-pool of said candidate profiles and adapted to output a subset of said sub-pool of candidate profiles responsive to application of predetermined variable weights to said variables having been scored (Para 0152-0154, system grants manager aggregates scores, ranks candidates, and selects winners).
69. Corrie fails to expressly disclose wherein said subset of said candidate profiles not exceeding a predetermined value in number and said subset of said candidate profiles added to said subset of said sub-pool of candidate profiles equaling said predetermined value in number.
70. However, Corrie wherein the basic criteria for grants are provided by each granting agency (Para 0148).

71. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein said subset of said candidate profiles not exceeding a predetermined value in number and said subset of said candidate profiles added to said subset of said sub-pool of candidate profiles equaling said predetermined value in number, as part of the basic criteria provided by Corrie's granting agency, in order to increase the efficiency of the candidate selection system by allowing the granting agency and grants management system to control the size of the selection pool.
72. As per Claim 25, Corrie discloses wherein said first selection unit comprising: a scoring module coupled to said storage adapted to generate total scores for said candidate profiles responsive to said variables; a grouping module coupled to said scoring module and said storage for grouping said candidate profiles into score tiers responsive to corresponding said total scores, each said score tiers comprising one or more said candidate profiles having equal said total scores; a selection module coupled to said grouping module and said storage for selecting a first set of candidate profiles responsive to said grouping, said first set of candidate profiles equal to or less than said predetermined total number, said candidate profiles in said first set of candidate profiles having corresponding said total scores higher than said total scores of any said candidate profiles not in said first set of candidate profiles; and an output module for outputting said sub-pool of candidate profiles, said sub-pool of said candidate profiles comprising one of said score tiers, said one of said score tiers having the highest total score of those of said score tiers containing candidate profiles not selected for said first set of candidate profiles (Para 0145-0154).

73. As per Claim 26, Corrie discloses wherein said second selection unit comprising: a receiving module coupled to said for receiving said sub-pool of said candidate profiles from said phase 1 selection module; an evaluation response selection submodule for determining one of said one or more evaluation responses to be weighted and a weight, a weighting module coupled to said selection module and said evaluation response selection submodule for weighting said one of said evaluation responses of candidate data sets in said sub-pool, a scoring module coupled to said weighting module for generating weighted scores for said candidate profiles in said sub-pool; a grouping module coupled to said scoring module for grouping said candidate profiles in said sub-pool into sub-tiers responsive to corresponding weighted scores, a selection module for selecting additional candidate profiles responsive to said weighted evaluation tier ranking, and a stop module for determining when a correct number of candidate profiles have been selected and outputting said additional candidate profiles (Para 0145-0154).

74. As per **independent Claim 35**, Corrie discloses a method for selecting one or more candidates from a plurality of candidate applications in a competition system, comprising: determining for each of said candidate applications whether said candidate application meets minimum qualification standards (Para 0146-0148, review for application completeness and basic criteria and compliance); determining the number of said candidate applications meeting said minimum qualification standards; determining for each said candidate application meeting said minimum qualification standards whether said candidate application meets a discretionary qualification standard (Para 0146-0148, review for application completeness and basic criteria and compliance); evaluating each said candidate application

determined to meet said minimum qualification standards; scoring each of said candidate applications that has been evaluated over a set of evaluation variables (Para 0152, application reviewed); and selecting one or more of said candidates as competition finalists responsive to said scoring (Para 0152-0154, system grants manager aggregates scores, ranks candidates, and selects winners).

75. Corrie fails to expressly disclose wherein said discretionary qualification standard being a function of said determined number of said candidate applications meeting said minimum qualification standards.
76. However, Corrie does disclose the initial review of applications for basic criteria and compliance (Para 0148), and wherein the basic criteria are provided by each granting agency (Para 0148).
77. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein said discretionary qualification standard being a function of said determined number of said candidate applications meeting said minimum qualification standards as part of the basic criteria provided by Corrie's granting agency, in order to increase the efficiency of the candidate selection system by allowing the granting agency and grants management system to control the size of the selection pool.
78. As per Claim 36, Corrie discloses wherein said step of determining for each said candidate application whether said candidate application meets minimum qualification standards comprises: i) filtering each candidate's candidate information to determine whether said candidate's candidate information meets at least one of an information completeness standard and a document completeness standard; ii) filtering said candidate information to ensure said

candidate information indicates said candidate meets one or more minimum qualification requirements; iii) grouping said candidate information into two or more groups responsive to one or more predetermined pieces of information contained in said candidate information; and iv) filtering said candidate information to ensure said candidate information indicates said candidate meets one or more group level standards (Para 0146-0148).

79. As per Claims 38 and 56, **Corrie** fails to expressly show wherein said step of filtering said candidate information to ensure said candidate information indicates said candidate meets one or more group level standards comprises passing said candidate when said candidate information meets or exceeds at least one of a minimum GPA score, a family income requirement, and completion of a GED.

80. However, Corrie dose disclose using the system for a variety of candidate evaluation situations, includes scholarship (Para 0165), and it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate minimum GPA score, a family income requirement, and completion of a GED, as part of the evaluation criteria disclosed by Corrie (Para 0148-0154); as these factors were commonly used to distinguish scholarship candidates at the time the invention was made.

81. As per Claim 40, 58, and 59, Corrie fails to expressly disclose wherein said step of filtering said candidate information to ensure said candidate information indicates said candidate meets one or more group level standards comprises passing said candidate when said candidate information indicates said candidate meets or exceeds a third filter set, said third filter set comprising at least one of a minimum number of academic awards, a minimum number of public awards, a minimum number of honors, a minimum number of leadership

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roles, a minimum number of student excel bubbles completed, a minimum class rigor average, a minimum amount of community service, a maximum amount of personal circumstance exceptions, and a minimum number of paid hours of employment.

82. However, Corrie dose disclose using the system for a variety of candidate evaluation situations, includes scholarship (Para 0165), and it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate minimum number of academic awards, a minimum number of public awards, a minimum number of honors, a minimum number of leadership roles, a minimum number of student excel bubbles completed, a minimum class rigor average, a minimum amount of community service, a maximum amount of personal circumstance exceptions, and a minimum number of paid hours of employment, as part of the evaluation criteria disclosed by Corrie (Para 0148-0154); as these factors were commonly used to distinguish scholarship candidates at the time the invention was made.

83. As per Claim 41, Corrie discloses wherein said step of evaluating comprises the steps of: matching each said candidate information with a reader qualified to read said candidate information, a reader being disqualified from reading a particular candidate's candidate information when any conflicts exist; and reading each said candidate information by said reader, said step of reading comprising scoring said candidate information on a set of reading variables (Para 0148-0152).

84. As per Claim 43, Corrie fails to expressly discloses wherein said step of selecting comprises the steps of: summing said evaluation variable scores for each of said candidate applications to produce a total reading variable score; ranking said candidate applications by their

respective total reading variable score; determining the highest score tier having ones of said candidate applications not already selected; determining whether the sum of all said candidate applications already selected plus the number of said candidate applications at the current score tier exceeds the total number of said candidate applications to be selected; when the sum of all said candidate applications already selected plus the number of said candidate applications at the current score tier is less than the total number of said candidate applications to be selected, selecting the candidate applications in the current score tier and continuing back to said step of determining the highest score tier; when the sum of all said candidate applications already selected plus the number of said candidate applications at the current score tier equals the total number of said candidate applications to be selected, selecting the candidate applications at the current score tier and aborting any further selection; when the sum of all said candidate applications already selected plus the number of said candidate applications at the current score tier exceeds the total number of said candidate applications to be selected, carrying out the steps of: determining the next highest score tier having one or more said candidate applications not already selected, selecting one of said set of evaluation variables; altering the weight of said selected evaluation variable over all unselected said candidate applications in the score tier determined to be the next highest to produce weighted sets of reading scores, summing each said candidate applications weighted evaluation variable scores to produce a total evaluation variable score; grouping said candidate applications by their respective total weighted reading variable scores; beginning with the highest ranking total weighted reading variable score group and continuing successively to the next lower total weighted reading variable score group,

selecting the candidate applications of as many total weighted evaluation variable score groups as possible without exceeding the total number of said candidate applications to be selected, and selecting a previously-unselected evaluation variable from said set of evaluation variables and returning to said step of altering the weight of said selected evaluation variable and continuing.

85. However, Corrie does disclose a system for evaluating candidates, and determining a winner based on evaluations scores and weighted ranking of all the candidates (Para 0145-0155).

86. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the system to present awards from the highest-ranking candidate down until the budget for awards was exhausted.

87. As per **independent Claim 45**, Corrie discloses a method of selecting a predetermined number winners (budget constraint) from a pool of candidates in a competition system, said candidates having associated variable scores for two or more variables (Para 0152, application reviewed and scored), said method comprising: summing the variable scores for each said candidate to produce variable score sums; grouping said candidates into groups (Para 0153, grouped by grant initiative), each of said groups defining candidates having a predetermined one of said variable score sums; determining a predetermined number of winners (Para 0152-0154, system grants manager aggregates scores, ranks candidates, and selects winners);

88. Corrie fails to expressly disclose determining whether said predetermined number of winners exceeds or equals the number of candidates in the group having the highest one of said variable score sums; if said predetermined number of winners exceeds or equals the number

of candidates in the group having the highest said variable score sums, selecting all candidates in said group having the highest one of said variable score sums; determining whether said predetermined number of winners exceeds or equals the number of candidates already selected plus the candidates in the group having the next highest one of said variable score sums; if said predetermined number of winners exceeds or equals the number of candidates already selected plus the candidates in the group having the next highest one of said variable score sums, selecting all candidates in said group having the next highest one of said variable score sums, otherwise, designating all candidates in the group having the highest one of said variable score sums containing candidates not selected as the active pool and continuing to the step of initializing the weight of all variables; determining whether the number of selected candidates equals the predetermined number of winners; stopping when said determination of whether the number of selected candidates equals the predetermined number of winners indicates the number of selected candidates equals the predetermined number of winners; designating all candidates in the next highest score group containing candidates not selected as the active pool; initializing the weight of all variables; selecting a variable to be weighted, said variable having a weight which has not been changed since said initialization of the weight of all variables; weighting the variable scores for all candidates in the second-tier candidate pool by multiplying each of the variable scores of said candidates in said second-tier candidate pool by a corresponding one of said variable weights; summing the weighted variable scores for each candidate in the second-tier candidate pool; ranking the candidates in the second-tier candidate pool from highest weighted variable score sum to lowest weighted variable score sum; subgrouping said candidates in the second-tier candidate

pool such that each subgroup comprises candidates having the same weighted variable score sum; selecting all candidates in each subgroup beginning with the subgroup having the highest weighted variable score and proceeding to subgroups with successively lower weighted variable scores such that the total number of candidates selected in said step (e) plus the total number of candidates selected in this step is maximized without exceeding the predetermined number of winners; determining whether the number of selected candidates equals the predetermined number of winners; stopping when said determination of whether the number of selected candidates equals the predetermined number of winners indicates the number of selected candidates equals the predetermined number of winners; designating all candidates in the highest variable score sum candidate subgroup having candidates not selected as the active pool; and returning to said step of selecting a variable to be weighted.

89. However, Corrie does disclose a system for evaluating candidates, and determining a winner based on evaluations scores and weighted ranking of all the candidates (Para 0145-0155).
90. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the system to present awards from the highest-ranking candidate down until the budget for awards was exhausted.
91. As per **independent Claim 64**, Corrie discloses a method of evaluating candidates from a pool of candidates comprising: selecting a candidate package (application) to evaluate (Para 0148); matching said candidate package to an evaluator who has not previously evaluated or been determined ineligible to evaluate said candidate package (Para 0148-0149); receiving an access request from said evaluator to evaluate said candidate package; denying said candidate package from being evaluated when said second determination indicates said candidate

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package is ineligible from being evaluated; presenting a second set of information from said candidate package, a set of evaluation questions, and a rubric to said evaluator; and receiving responses to said evaluation questions (Para 0148-0152, reviewer selection process).

92. Corrie fails to expressly disclose providing a first set of information from said candidate package and a set of evaluator eligibility questions to said evaluator based on said candidate package; receiving a response to said evaluator eligibility questions; determining from said response to said evaluator eligibility questions whether said evaluator is eligible to evaluate said candidate package; denying said evaluator from evaluating said candidate package when the result of said first determination is that said evaluator is ineligible to evaluate said candidate package; presenting a second set of information from said candidate package and a set of candidate eligibility questions to said evaluator; receiving a response to said candidate eligibility questions from said evaluator; determining from said response to said candidate eligibility questions whether said candidate package is eligible for evaluation.

93. However, Corrie does disclose wherein reviewers (evaluator) are best matches to an application based on the application, workload, and skills of the reviewer (Para 0148). Furthermore, Corrie discloses wherein the grants management system evaluates the expertise that a reviewer would need to be best qualified to review an application (Para 0149)

94. Therefore, it would have been obvious to incorporate a reviewer interview process (questions), as part gathering reviewer skill information during the reviewer qualification system disclosed by Corrie, as such interview processes were well known at the time invention was made.

95. As per **independent Claim 72**, Corrie discloses a method of ensuring fair and consistent evaluation comprising: providing an evaluation workstation for use by an evaluator; making available candidate applications from one or more candidates needing evaluation (Para 0152-0153); matching said evaluator to one or more of said candidate applications; receiving a request from said evaluator to evaluate one of said one or more candidate applications (Para 0148-0153); presenting in a substantially simultaneous manner, said candidate application, and evaluation rubric, and a scoring display to said evaluator; monitoring the evaluation of said candidate package by said evaluator; and interacting with said evaluation responsive to the determination that said evaluation is unfair or inconsistent (Para 0152-0154, Figs. 1-6E).
96. Corrie fails to expressly disclose providing one or more eligibility questions to said evaluator; receiving responses to said eligibility questions; determining from said responses to said eligibility questions whether said evaluator is eligible to evaluate said one candidate application; preventing said evaluator from evaluating said candidate application responsive to said first determination indicating said evaluator is not eligible to evaluate said candidate application; providing one or more candidate eligibility questions to said evaluator; receiving responses to said candidate eligibility questions; determining from said responses to said candidate eligibility questions whether said candidate is eligible to be evaluated; preventing said evaluator from evaluating said candidate application responsive to said second determination indicating said candidate is not eligible to be evaluated.
97. However, Corrie does disclose wherein reviewers (evaluator) are best matches to an application based on the application, workload, and skills of the reviewer (Para 0148).

Furthermore, Corrie discloses wherein the grants management system evaluates the expertise a reviewer would need to be best qualified to review an application (Para 0149)

98. Therefore, it would have been obvious to incorporate a reviewer interview process (questions), as part gathering reviewer skill information during the reviewer qualification system disclosed by Corrie, as such interview processes were well known at the time invention was made.
99. As per Claim 73, Corrie discloses wherein said step of monitoring includes at least one of detecting whether the average time between question responses is less than a minimum time period, determination whether the average time between question responses is less than the average time period between question responses for said evaluator during past evaluations, determining whether the average evaluation score is above a maximum score, determining whether the average evaluation score is below a minimum score, and determination whether any evaluation score is inconsistent with information in said candidate application (see rejection of Claim 72).
100. As per Claim 74, Corrie discloses wherein said step of interacting comprises at least one of terminating said evaluation, initiating a conversation with said evaluator, and providing an automated message to said evaluator (Para 0151).
101. As per **independent Claim 75**, Corrie discloses a method of tie-breaking in a competition system containing two or more candidates, each said candidate being represented by an application (Para 0145, applications received and saved in grants management system), each said application having been scored with respect to two or more reading variables (Para 0152, application reviewed/scored), said method comprising: determining a total number of

candidates to be selected (inherent to database listing); summing each candidate's reading variable scores to produce a total reading variable score; grouping said candidates into score tiers (rankings) by their respective total reading variable scores (Para 0152-0154, system grants manager aggregates scores, ranks candidates, and selects winners).

102. Corrie fails to expressly disclose determining the score tier having the highest total reading variable score with candidates not already selected; determining whether the sum of all candidates already selected plus the number of candidates in said determined score tier exceeds the total number of candidates to be selected; when the sum of all candidates already selected plus the number of candidates at the current score tier is less than the total number of candidates to be selected, selecting the candidates at said determined score tier and continuing back to said step of determining the highest score tier having candidates not already selected and continuing; when the sum of all candidates already selected plus the number of candidates at the determined score tier equals the total number of candidates to be selected, selecting the candidates at the determined score tier and exiting said method; and when the sum of all candidates already selected plus the number of candidates in the determined score tier exceeds the total number of candidates to be selected, carrying out the steps of: ascertaining the highest score tier having candidates not already selected, selecting one of said reading variable scores not previously selected; altering the weight of said selected reading variable score for all unselected candidates in said ascertained highest score tier, summing all weighted reading variable scores and all unweighted reading variable scores for each candidate in said ascertained highest score tier to produce a corresponding total reading variable score; grouping said candidates by their respective total weighted

reading variable scores into score tiers; beginning with the score tier having the highest total weighted reading variable score and continuing successively to the next lower score tier by total weighted reading variable score, selecting all candidates in all score tiers without exceeding the total number of candidates to be selected, when the sum of all candidates already selected equals the total number of candidates to be selected, exiting said method, and otherwise, designating the score tier having the highest total weighted reading variable score with unselected candidates and returning to said step of selecting one of said reading variable scores not previously selected and continuing.

103. However, Corrie does disclose a system for evaluating candidates, and determining a winner based on evaluations scores and weighted ranking of all the candidates (Para 0145-0155).
104. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the system to present awards from the highest-ranking candidate down until the budget for awards was exhausted.
105. **Claims 39, 42, 44, and 57** are rejected under 35 U.S.C. 103 as being unpatentable over Corrie.
106. As per Claims 39 and 57, Corrie fails to expressly disclose wherein said step of grouping comprises grouping said candidates by one or more of the following candidate information: geographical residence, urban/rural upbringing, primary ethnicity, and cultural background.
107. However these differences are only found in the nonfunctional descriptive data and are not functionally involved in the steps recited. The candidate selection system/method would be performed regardless of the type of groupings were used. Thus, this descriptive data will

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not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

108. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have grouped the candidates in a plurality grouping formats, such as: geographical residence, urban/rural upbringing, primary ethnicity, and cultural background, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

109. As per Claim 42, Corrie fails to expressly disclose wherein said set of reading variables includes the following non-cognitive variables: positive self-concept, realistic self-appraisal, understanding/navigation of a social system, preference of long-term goals over short-term goals, availability of a strong support person, leadership experience, community service, interest/knowledge in a non-school field.

110. However these differences are only found in the nonfunctional descriptive data and are not functionally involved in the steps recited. The candidate selection system/method would be performed regardless of the type of non-cognitive variables used. Thus, this descriptive data will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

111. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the following variables: grouped the candidates in a plurality grouping formats, such as: positive self-concept, realistic self-appraisal,

understanding/navigation of a social system, preference of long-term goals over short-term goals, availability of a strong support person, leadership experience, community service, interest/knowledge in a non-school field, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

112. As per Claim 44, Corrie fails to expressly disclose wherein said step of confirming comprises requiring each said candidate's candidate information to include a specification of citizenship or primary residency, a tribal document when said candidate is American Indian, information regarding community service, information regarding employment, information regarding honors and awards, and information regarding leadership experience.

113. However these differences are only found in the nonfunctional descriptive data and are not functionally involved in the steps recited. The candidate selection system/method would be performed regardless of the type of candidate information used. Thus, this descriptive data will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

114. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have confirmed a variety of candidate information, such as: specification of citizenship or primary residency, a tribal document when said candidate is American Indian, information regarding community service, information regarding employment, information regarding honors and awards, and information regarding leadership experience, because such data does not functionally relate to the steps in the method claimed

and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

115. Claims 3, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corrie et al. (US 2002/0120538 A1) in view of Lee et al. (US 6,928,435 B2).

116. As per Claim 3, Corrie discloses determining a new applicant as part of the candidate evaluation system (Fig. 6B, Para 0145); however, Corrie fails to expressly disclose a duplicate checking module coupled to said network interface module, said data extraction module and said database for determining whether said candidate documents exist in said database, said candidate documents having been determined not to exist in said database being stored in said database.

117. However, Lee discloses a document management systems used to determine if a document is a duplicate before saving it to memory (C1 L1-56)

118. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a duplicate checking module coupled to said network interface module, said data extraction module and said database for determining whether said candidate documents exist in said database, said candidate documents having been determined not to exist in said database being stored in said database, as disclosed by Lee in the system disclosed by Corrie, for the advantage of providing a candidate evaluation system/method of with the ability to increase the effectiveness of the system by maintaining clean/error free information in the system database, on which award decisions are made.

119. As per **independent Claim 17**, Corrie discloses a system for evaluating and selecting competition winners from a pool of candidates in a competition comprising: a document

reception module for receiving document submissions (Para 0145, applications received and saved in grants management system); a database for storing candidate records (Fig.1); a qualification subsystem coupled to said database for determining said candidate records to be qualified or disqualified (Para 0146-0148, review for application completeness and basic criteria and compliance); an evaluation subsystem coupled to said qualification subsystem and said database for evaluating and scoring each of said candidate records having been qualified over one or more evaluation variables (Para 0152, application reviewed); and a selection subsystem coupled to said evaluation subsystem and database for selecting one or more competition finalists responsive to said evaluation and scoring of said candidate records having been qualified (Para 0152-0154, system grants manager aggregates scores, ranks candidates, and selects winners)..

120. Corrie discloses determining a new applicant as part of the candidate evaluation system (Fig.6B, Para 0145); however, Corrie fails to expressly disclose a duplicate detection module coupled to said document reception module and said database for determining whether any of said document submissions duplicate any of said candidate records, said duplicate detection module storing said submissions determined not to be duplicates of any of said candidate records in said database.

121. However, Lee discloses a document management systems used to determine if a document is a duplicate before saving it to memory (C1 L1-56, Claim 1)

122. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a duplicate detection module coupled to said document reception module and said database for determining whether any of said document

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submissions duplicate any of said candidate records, said duplicate detection module storing said submissions determined not to be duplicates of any of said candidate records in said database, as disclosed by Lee in the system disclosed by Corrie, for the advantage of providing a candidate evaluation system/method, with the ability to increase the effectiveness of the system by maintaining clean/error free information in the system database, on which award decisions are made.

123. As per Claim 18, Corrie and Lee discloses wherein said candidate records include at least one applicant form, at least one nominator form, and at least one recommender form, said system further comprising: a grouping module for grouping said candidate records into candidate packages, said candidate packages comprising all of said candidate records relating to the same candidate; and wherein said qualification system determines those of said candidate packages that do not have a corresponding said applicant form, said nominator form, and said recommender form as disqualified.

124. **Claims 52, and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee in view of Corrie.**

125. As per **independent Claim 52**, Lee discloses a method of preventing the accumulation of duplicate documents in a memory of a competition system comprising: a) determining the document type of a received document; b) extracting one or more pieces of data from said received document; c) determining whether a matching document exists in said memory having said determined document type and containing said one or more pieces of data; d) determining whether said received document is more complete than said matching document when said second determination indicates said matching document exists; e) documenting

said matching document as duplicate when said second determination indicates said matching document exists and said third determination indicates said received document is more complete; f) storing said received document in said memory; and g) documenting said stored received document as duplicate when said second determination indicates said matching document exists and said third determination indicates said matching document is more complete (C1 L1-56, Claim 1).

126. However, Lee fails to expressly disclose the use of the document system in the memory of a competition system.

127. However, Corrie discloses the use of data management (database) in the memory of a competition system (Fig. 1, abstract).

128. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a the use of the document system in the memory of a competition system, as disclosed by Corrie, in the system disclosed by Lee, for the advantage of providing a method of preventing the accumulation of duplicate documents, with the ability to increase the effectiveness of the system by integrating the document management system with a plurality of system types.

129. As per Claim 53, Lee and Corrie disclose h) determining whether any documents exist in said memory containing the same information in one or more predetermined fields as said stored received document and containing a difference candidate social security number than said stored received document; and i) flagging said stored received document and any documents determined in said step (h) as potential fraud documents when at least one document results from said forth determination of said step (h).

Conclusion

130. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

131. The following non-patent literature is cited to show the best non-patent literature prior art found by the examiner:

Ripley et al., "Cream: Criteria-related Employability Assessment Method: A systematic approach for employee selection." Management Decision, v32n9, pp: 27-36, 1994.

Ripley discloses a system for evaluating a pool of candidates to determine a winner.

132. Additional Literature has been referenced on the attached PTO-892 form, and the Examiner suggests the applicant review these documents before submitting any amendments.

133. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.

134. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for the organization where this application or proceeding is assigned (571) 273-8300 for all official communications.

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135. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (703) 308-1202.

August 18, 2005



Jonathan Ouellette
Patent Examiner
Technology Center 3600